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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jean-Noel THOREL et al.

Group Art Unit: 4121

Application No.: 10/583,892

Examiner: A. MILLIGAN

Filed: October 23, 2006

Docket No.: 128414

For: METHOD FOR THE INNOFORMULATION OF A BIOCOMPATIBLE GALENIC  
BASE

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the January 12, 2009 Restriction Requirement, Applicants provisionally elect Group I, claims 21-31 and 36-39, with traverse.

Applicants respectfully submit that there exists *a priori* unity of invention with respect to claims 21-39, by virtue of the fact that the claims of Groups I and II are directed to a product and process for using the product, respectively. As stated in 37 C.F.R. § 1.475 (discussed in Section 1850 of the MPEP):

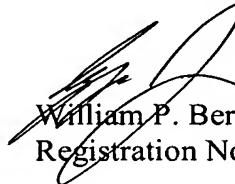
An international or a national stage application containing claims to different categories of invention **will be considered to have unity of invention** if the claims are drawn only to one of the following combinations of categories:  
...(2) A product and a process of use of said product...

Thus, Applicants submit that the claims of Groups I and II share special technical features, necessary for unity of invention under PCT Rule 13.1. Furthermore, contrary to the Examiner's assertions, Applicants respectfully submit that Brock et al. (U.S. Patent

Application Publication No. 2003/0130636, hereinafter "Brock") fails to disclose or suggest the claimed combination of elements, recited in claim 21. Therefore, Applicants submit that Brock fails to anticipate or to have rendered obvious all of the elements of claim 21. For at least these reasons, Applicants respectfully submit that claims 21-39 (i.e., Groups I and II) are linked by unity of invention under PCT Rule 13.1, and thus a restriction requirement at this time is improper.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: January 30, 2009

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